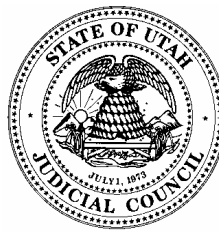




Utah State Courts

Utah Trial Court System Electronic Filing Guide



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Prepared by
Administrative Office of the Courts
POB 140241
450 S State St
Salt Lake City, UT 84114-0241
www.utcourts.gov

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Glossary of Terms

Electronic Filing:

An Electronic Filing or eFiling is an electronic document delivered to a court by electronic means.

Service Provider:

Service Providers are the vendors outside the court that are capable of delivering Legal XML complaint electronic filings. Vendors will provide an interface to their customers (lawyers, judges etc) to file electronic documents with a court.

Interface:

A filer's external view of Utah court filing requirements that is created by a Service Provider to capture the information necessary to complete an electronic filing in the Utah courts.

Case Management System:

A case management system is an application that records and manages information about court cases, records, calendars, finances and other court information. A CMS usually has an existing interface that is different and distinct from Clerk Review Interface.

CORIS:

Utah's court case management system developed and administrated by the Utah Administrative Office of the Courts. CORIS is used state wide for civil and criminal cases in all District Courts and, in the future, will support all Justice Courts. The system maintains the case participants, registry of action or docket entries for all cases, payments, and other aspects of case management.

Document Management System:

A document management system receives, manages, stores and retrieves electronic documents that are filed with the courts.

Electronic Filing Manager:

An electronic filing manager is a computing application that logically resides between the Service Provider and the court's case and document management systems. The application must receive and process filing data in the Legal XML Court Filing Standard. The application must be able to pass the information it receives to the case and document management systems. It also sends electronic acknowledgement to the filer.

Clerk Review Interface:

The Clerk Review Interface is an application available to court clerks, court administrators and other court personnel. The Clerk Review Interface allows court staff to access and review incoming electronic filings.

Legal XML Court Filing Standard Version 1.1 DTD:

Service Providers will deliver the filing data to conform to Legal XML Court Filing DTD version 1.1. For more details see at <http://www.legaxml.org>

Xchange:

A subscription service that allows individuals to use the Internet to search and access case information filed in Utah's district and justice courts.

Introduction

The Utah courts continue to develop methods to improve the efficiencies of the courts and methods that allow practitioners and the general public to interact with the courts. One component of this continuing effort is the expansion of electronic filing in the district courts.

The Utah court system is a unified system composed of appellate, district, juvenile and justice courts, each supported by a case management system maintained by the Administrative Office of the Courts. This structure allows for a single point of entry for electronic filing in all district courts throughout the state. The following table details the number of cases filed in Utah's district courts from July 2007 to June 2008 by case type.

| Case Type | | Case Type | Cases Filed |
|------------------|--------|------------------------|--------------------|
| Criminal | 39,044 | Traffic | 39,504 |
| Domestic | 20,300 | Probate | 8,734 |
| General Civil | 75,964 | Small Claims | 20,569 |
| Property Rights | 9,354 | Torts | 2,532 |
| Parking | 2,440 | Statewide Total | 218,441 |

There are approximately 8,600 attorneys throughout the state that actively file cases in Utah's district court system. This document is intended to introduce the Administrative Office of the Court's multi-vendor approach to expanded electronic filing in the state's district courts. It also serves as an invitation to vendors, law firms, and individuals to develop a filer interface for Utah's electronic filing system.

The Administrative Office of the Courts has contracted with Tybera, Inc., to provide the support necessary for a vendor, law firm, or individual to develop, test, and certify their filer interface. The project provides a single Clerk Review or Electronic File Manager that allows the court to receive and transmit information to multiple Filing Service Providers. The Filing Service Provider will be responsible for the support of filers and for the interface or programmatic method to submit documents and data to the court. The interaction between the court and the filer will include features to support payments, security, and filer registration based on LegalXML Electronic Filing standards.

Utah's electronic filing model is designed to support Service Providers that will support filers with:

- A filer's interface used to file documents with the court
- An interface for the filers to enter data associated with documents that are submitted to the courts
- An interface for electronic service. This type of service is not primary service where the documents are served in person, but is the secondary service that notifies all parties on the case of additional documents that are submitted to the court
- An interface to allow filers to retrieve and query case history summaries

- An interface to allow filers to download documents associated with the case, whether they were electronically filed or submitted on paper.

There are two parts to the eFiling system, the Filers Interface and the Clerk Review Interface. The Filers Interface is where the filers access the system to initiate a case and to upload new documents and download information about existing cases in which they are a party.

The Clerk Review Interface is where court personnel review the submitted documents and either accept or reject them. Court personnel can also modify any information the filer may have entered if the information is incorrect. The electronic filing system broadcasts notifications to all participants on a case whenever a party submits a document either electronically or on paper.

General Requirements

Governance

Electronic filing is subject to the rules of the Utah Judicial Council and the Utah Supreme Court. In the event of a conflict between the electronic filing system requirements and the rules of the Judicial Council or the Utah Supreme Court, the rules of the council or court will prevail.

Document filing standard

Any signed document submitted to the court's electronic filing system must be submitted in a *searchable* PDF format. Any proposed document submitted to the court's electronic filing system must be submitted in revisable text format (RTF). The filer is responsible for the conversion of documents to the PDF or the RTF format prior to filing.

Electronic case record

Documents filed through the electronic filing system will be stored as submitted, without alteration, in the court's document management system. The court's electronic docket will be the official record of the proceedings of the case.

Filer identification

Each Service Provider must establish procedures to uniquely identify and authenticate the identity of the filer. The Service Provider must, at a minimum, provide unique user names and passwords to each filer. User names may not be shared between filers. To electronically file documents, the filer must be a party or the attorney for a party in the case.

Electronic document validation

To ensure document integrity, documents filed with the court will be digitally locked with a signature by the court when filed. Documents retrieved from the court's official repository will include the signature. This allows an individual to validate that the document is a true copy of the court record. Documents will not be signed until after the court has reviewed and approved the filing. The electronic docket is the official case history.

Electronic document retrieval

A Service Provider can only retrieve documents for case participants registered on their system. Any interested party will be able to access documents through Xchange. Xchange will be modified to allow subscribers to access public documents directly from Xchange through the case history screen. The AOC will create a portal for individuals to validate documents on a known case without having to subscribe to Xchange.

Electronic service and notice

The electronic filing system will support electronic service. See Personal Jurisdiction under URCP 4 for rules relating to service. When the electronic filing system broadcasts a service message, the Service Provider must submit a response to the court that the service message has been received and delivered to the intended recipient. Recording and storing the Service Provider's receipt of the message will constitute proof of service.

Filing Date

The filing date and time is not when the filer submits the document to their Service Provider. For purposes of electronic filing, the file date will be the date and time recorded when the filing was received and was posted to clerk review by the court's electronic filing manager.

Technical failures

The filer is responsible for a timely filing and should take appropriate action if the electronic filing system is inoperable or fails to notify the filer that the court has received the filing.

Filer's signature

The submission of a document filed under the filer's user name will constitute an original filing. The court will maintain an audit trail of electronic filing events. The process of logging into a system, combined with the filer's typed signature on the document, represents a valid electronic signature. Utah no longer requires an individual to purchase a certificate from a Certificate Authority to create a digital signature.

Signature form

The filer's signature will be represented by a typed signature as provided in the Utah Rules of Civil Procedure, Rule 10 and Rule 11. The form of the typed signature may be represented as:

/s/ Filers Name

Signature Example:

/s/ John Smith

If an electronic document must be acknowledged, it should be done in accordance with Section 46-1-16.

Signatures of additional filers

When a document requires the signature of additional people, the original filer will obtain approval and authorization to electronically sign the document on behalf of the other people. Such approval shall be indicated by the following signature:

/s/ Other Filer Name

Signed by *Filer Name* with permission of *Other Filer Name*

Example:

/s/ Jane Smith

Signed by John Smith with permission of Jane Smith

The submission of a document signed with a typed /s/ *Filer Name* together with the user name from the filer's Service Provider will constitute an original signature. False representation of permission to sign for another person may be sanctioned under URCP 11.

Filing Standards

Who can file

Utah has determined that only licensed attorneys can file at this time. The attorney's state bar number is the unique indicator used in CORIS to identify the filer. Attorneys licensed by other states can register and file. They must contact the Utah Administration Office of the Courts prior to filing to obtain a unique filer identifier and must adhere to all rules governing the practice of law in Utah.

Service Provider Registration

Each Service Provider will be required to complete a certification process before they can register users and before they can begin filing. The court has contracted with Tybera, Inc., to provide support for certification. Tybera charges a fee to act as an agent

in the development and test of the Service Provider's system. Once the Service Provider demonstrates that they are exercising the API properly through the use of test cases, they then contact the court for the final test and registration process. When certified, the Service Provider may begin filing directly with the court. The Administrative Office of the Courts does not assess any additional fees for electronic filing.

Filer Registration

The Service Provider must register their participating attorneys before they begin to file. The attorneys must be registered in CORIS with their bar number. Utah receives updated attorney registration information from the Utah Bar on a regular basis and this is tested for each submission.

Level of Integration

Some Service Providers may not be interested in supporting the entire filing API because they only file certain types of cases or documents. If the filing requirement is specific to an organization, such as another Utah State Agency, or where an attorney files specific types of documents, such as Debt Collection Actions, they may qualify to limit the certification required for that filing. The filer must contact the Utah Administrative Office of the Courts to request permission to be certified for a limited portion of the API. The Utah Administrative Office of the Courts reserves the right to deny limited test privileges to any Service Provider.

Case Numbers

Utah has multiple instances of CORIS where the case numbers are not unique. Because of this, it is important for the Service Provider to understand that the combination of a case number and the court location code creates the unique case identification. Once a case is initiated each follow-up filing must include the court location code and the case number.

CORIS Party ID

Utah has multiple instances of CORIS where the party ids assigned on cases are not unique. It is not unusual for the same party to be recorded in a case management system multiple times with different party ids. Generally the court does not seek to merge these parties. Utah will merge some of the party ids into a single id if they consider the party to be a common party, or a party that is frequently involved in filings. For example: state agencies, debt collection agencies, and large organizations that provide services may be candidates for common party IDs. Often in follow-up submissions these IDs will be associated in different ways. A Service Provider must be able to store and maintain these IDs when they receive a response from the court that includes the IDs.

Court Fees

When a submission requires payment of court fees, the Service Provider must pass financial information through the submission. In Utah, the actual calculation of the fees is determined after the clerk has reviewed the submission rather than when the filer submits the information. This means that the exact amount that will be collected is not calculated until after the clerk has reviewed, edited any information, and approved the submission for recording into the court's case management system.

It is the responsibility of the attorney to identify the fees that will be charged for any given submission and should be prepared to have that amount charged to their account.

There are times when fee waivers can be requested. In these conditions the attorney must provide appropriate documentation in the submission to support the request. If a fee waiver was requested and the court rejects the request the submission may be rejected.

At this time, only credit card transactions are supported. The XML data structures include attributes that identify the financial information that is being passed.

When the Service Provider captures this information, it is stored in an XML data structure and encrypted using the public key of an X.509 certificate. Credit card information is Base64 encoded in the LegalXML package. Use of a certificate means the court is the only party that can decrypt the information.

The court will pay the credit card processing fee.

The receipt returned from a successful filing that required court fee payment will include the appropriate authorization codes, amounts, and other information about the transaction. The examples show details of the data elements used within the filing.

Wrapper Signature

Each filing submission must include a wrapper signature. Tybera provides example code to show how this wrapper signature is created and embedded into the filing. This signature allows the electronic filing manager, to authenticate the submission. The public key of the X.509 certificate is the key used to create the wrapper signature. The electronic filing manager tests this signature and other information to verify that the submission came from a source that is authorized to send and receive submissions. The signature also allows the electronic filing manager system to verify that the data or documents embedded in the submission have not been tampered with during transmission. Even though SSL is used to secure the communication over the internet, the signature allows the electronic filing manager system to test the validity of the information and documents.

Sealed Cases

No filings will be accepted on a sealed case.

Sealed Documents

No sealed documents will be accepted through electronic filing.

Notification

Notifications are sent to all legal representatives that have sent in a notice of appearance on a specific case through the eFiling system. Notice of appearance allows the filing system to identify who is participating electronically and who is not for each case. Because electronic filing is not mandatory and Pro Se filers currently cannot participate, not all participants on the case will be notified electronically. There is a query to get the Service List. This allows a filer to identify who is receiving electronic notices. The list identifies those that have agreed to receive notifications electronically and those who have not. The information is stored on a case by case basis.

Notifications are broadcasts to recorded participants when the court receives an electronic submission or a paper document. Notifications based on electronic submissions are considered official notifications, while notification based on a paper document received at the court is considered a courtesy copy. It is anticipated that the party that submitted the paper copy already notified the other parties in a traditional paper manner.

These notifications are considered secondary service unlike a primary service that requires a person to deliver the document.

Documents are included in the notification a Service Provider receives. The documents are not considered “Filed” by the court because they have not been reviewed by the clerk and recorded into CORIS at the point the notification is distributed. Later if you request a document through the API you will find that the document has been time stamped by the court with the time and date it was received at the court. Sample notification messages will be described in the API documentation.

Confidential Information

Unless a document is classified as other than “public,” the document will be viewable and searchable on the Internet using the electronic filing system or Xchange. Prior to filing, the individual who files a document that is a public record shall redact the non-public information.

4-202.09: All counsel should carefully review proposed pleadings and attachments with regard to the inclusion of personal information. Certain types of sensitive

information should not be included in documents filed with the Court. Personal information not protected may be available on the Internet. If sensitive information must be included, the personal data identifiers must be redacted in the document.

It is the sole responsibility of the filer to omit or redact non-public and unneeded sensitive information within a document. Filers may be required to submit confidential data used on specific document forms, but will redact the information within the body of the document. The court clerk will not review any document to determine whether it includes personal information. All filers should review judicial privacy policies and applicable court rules before submitting documents to the courts.

Filing Standards

Submission of signed documents

All motions, pleadings, applications, briefs, memoranda of law, or other signed documents in civil and criminal cases shall be electronically filed in *searchable* PDF (Portable Document Format.)

Hyperlinks

An electronically filed document may contain hyperlinks to other portions of the same document. Citations of legal authority in standard citation format may be hyperlinked to recognized electronic research services, such as Westlaw, Lexis/ Nexis, Findlaw and official government sites. Hyperlinks to cited legal authority may not replace standard citation format. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. No electronically filed document may contain hyperlinks other than internal hyperlinks to the document itself and hyperlinks to cited legal authority.

No embedded data is allowed in documents electronically filed with the Court.

Attorneys who electronically file documents and pleadings are not required to provide courtesy copies to the Court.

Submission of proposed documents

Proposed Orders, Judgments, Jury Instructions, Voir Dire Questions, and Findings of Fact and Conclusions of Law and other proposed documents may be filed electronically in Revisable Text Format (RTF). Court personnel may reject a filing if documents are not submitted in the proper form.

Service

Where applicable, the Court will issue a summons upon the filing of a civil complaint. The summons and complaint shall be served on the defendant(s) in a manner compliant with court rules governing original service. The return of service may be imaged in a

PDF format and electronically filed by the party who served the summons or by the attorney who receives the Return of Service message from a Service Provider.

A certificate of service is not required for parties that are filing electronically, as the Service Providers service acknowledgement message will serve as the proof of service.

When a Service Provider files a Return of Service all attorneys that are registered on the case will receive a notice of the proof of service submission.

Technical Requirements

The following are the guidelines for understanding how to work with the Utah AOC, Tybera, and the Interface to create an interface to support filers. The LegalXML 1.1 standard is the format used to package the documents and data together to transmit from a Service Provider to the central electronic filing manager portal at the courts.

Documentation of the LegalXML 1.1 XML structures (in DTD format) can be accessed at <http://www.utcourts.gov/efiling> or <http://www.tybera.com/utah.htm>. In addition to the basic XML structures, there are multiple ways to package information such as new party information and how an attorney is associated with a party. There are several issues that a filer will need to understand beyond the LegalXML 1.1 structures. For example, how the XML structure was extended to support Entity Seals and their use, how to embed the data associated with documents, and how to embed payment information. Examples of these conditions can be downloaded along with an explanation of the series of steps that each Service Provider must complete.

You can download tables of case types, court locations, and document types including those that require fees and those that do not. Utah's initial electronic filing system may not support electronic filing in all courts. The tables that you download will help you see if there have been any changes in the scope of the filing system.

Another aspect of the technical requirements is how communications take place between each Service Provider and the central electronic filing manager portal, what you need to communicate, and what you need to be able to receive. The communication is an asynchronous process, meaning that the Service Provider will both send messages and listen for responses.

As filing standards and technologies change, additional courts are added, or additional data structures are required for electronic filing, the Utah AOC will notify all certified and registered Service Providers of those changes. Utah intends to implement the LegalXML ECF 4 filing standard. For up-to-date information about the integration process, go to <http://www.utcourts.gov/efiling> or <http://www.tybera.com/utah.htm> for specific instructions. The AOC anticipates that each Service Provider will conform to future changes in Utah's eFiling system. The AOC will continue to maintain a test site to allow Service Providers to test enhancements to their filer interface.

Time Stamp

The critical time stamp that identifies what time the court will record the submission in CORIS as being received will be the time the submission was at the central electronic filing manager portal and after the sending system has been authenticated.

Communications and Digital Certificates

Each Service Provider is responsible for obtaining and maintaining a Digital Certificate for the court eFiling system. The certificate is used to validate server-to-server communications. A certificate may be self-generated or obtained from a third party. The public key from the certificate for each Service Provider will be registered in the court's electronic filing manager portal and the Service Provider will use the private key to digitally sign each submission. The Service Provider will use the Public Key registered with the court to encrypt any data that needs encryption. Additionally, the Service Provider must have in place Secure Sockets Layer (SSL) for transmitting documents via the Internet. Example code of how to apply an Entity Seal is available from Tybera at <http://www.tybera.com/utah.htm>. When the Service Provider sends documents to the central electronic filing manager portal, the communications will use SSL and will include an ID for each filing combined with an ID from the Service Providers.

LegalXML Requirements

The Utah Administrative Office of the Courts and Tybera have agreed to use the LegalXML 1.1 standard to implement the electronic filing system. Tybera has added some extensions to this standard and examples of how to use the XML structures will be provided. The LegalXML standard is an open standard supported by OASIS. You can access further technical information at www.tybera.com/utah.htm or by contacting:

Tybera Development Group

(801) 226-2746

utah_efsp@tybera.com

Document Conversion Capabilities

Signed documents filed with the court will be in searchable PDF format. Proposed documents, those that require a signature other than that of the filer, will be submitted in revisable text format (RTF). It is suggested that the Service Providers support a mechanism for accepting documents from common word processing formats (including Word, WordPerfect, and RTF) and converting those filed documents to searchable PDF or RTF format as part of their service.

It is the responsibility of the Service Provider to verify that there are no viruses in any documents sent to the court. The central electronic filing manager portal will check for

viruses and automatically reject a submission and not give it a time stamp if a virus is detected.

Security

Infrastructure

To communicate with Utah's electronic filing manager, a Service Provider must use SSL. The court's electronic filing manager only supports https.

To authenticate a filing service, a 128 bit SSL certificate will be provided to the Service Provider by Tybera for the initial certification, and by the court for both a test and production environment.

The Service Provider must register a certificate that the service will use to sign a filing transaction with Tybera and with the courts.

The Service Provider must employ standard best practices for security, including:

- a. Use of a firewall to restrict access to the Service Provider servers.
- b. Adherence to standard web server lock-down procedures. For example, if the Service Provider uses IIS, then the Microsoft standards for IIS lockdown must be employed.

User Authentication

Service Providers must take steps necessary to ensure that users accessing the system are valid. Minimum requirements include the use of a user name and secure password for accessing the Service Provider's eFiling system. Usernames and passwords must be maintained in a secure environment and reasonable steps taken to prevent fraudulent use of a user name and password.

Each individual filer must have a valid CORIS ID. For attorneys this is their bar number. For Pro Se filers, the CORIS ID will be assigned during the registration process when Pro Se filing is available. The central electronic filing manager portal will respond to the registration with an ID for each individual

Additionally, at a minimum, SSL communication protocol must be in use if the Service Provider allows the filer to access the process through the web.

Filers cannot file on behalf of other parties. For example, a paralegal cannot use their account to file for an attorney. If the paralegal desires to file a document for an attorney the attorney must have shared the password of their account with the paralegal. This is not a recommended practice.

Privacy

The Service Provider must ensure that any information supplied by the filer, either personal or related to filings, is kept confidential. Information about the filer and the filer's court cases may not be shared with third-parties. Additionally, the Service Provider must have in place a privacy policy and must make that policy available to filers at time of registration.

Transfer of Funds

The Utah court will only support credit cards at this time.

When the filer submits documents that require payment they will enter their credit card information through the Service Provider. The Service Provider will pass that information to the court's electronic filing manager portal using the interface. The Clerk Review process allows the clerk to determine the actual fees required and the credit card will be charged based on the clerk's review. It is the responsibility of the filer to know the fees through the court's rules and publications. The actual charges and amounts are not set by the filer but by the clerk at the court.

Next Steps

- Contact Utah AOC who will send a copy of the non-disclosure agreement
- Execute and return the non-disclosure agreement to the court
- Contact Tybera to obtain the password and instructions to download the documentation from www.tybera.com
- Contract with Tybera to initiate testing and complete certification
- Tybera will notify the court when certification is complete
- The Administrative Office of the Court will require a final certification test
- The Administrative Office of the Court will issue a certificate for use in the certification test
- The Service Provider will issue a certificate to the Administrative Office of the courts for use in the certification test
- Administrative Office of the Court will notify the Service Provider when they can begin filing
- The Administrative Office of the Court will issue a certificate to the Service Provider to be used in production filings.

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Contact Information:

Tybera Development Group
(801) 226-2746
utah_efsp@tybera.com
www.tybera.com/utah.htm

Utah Administrative Office of the Courts
efiling@email.utcourts.gov
www.utcourts.gov/efiling